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Docket No.: 241150US2S CONT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



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RE: Application Serial No.: 10/634,887
Applicants: Hideki TAKASU
Filing Date: August 6, 2003
For: MICROWAVE PHASE SHIFTER AND POWER
AMPLIFIER
Group Art Unit: 2817
Examiner: Benny T. Lee

SIR:

Attached hereto for filing are the following papers:

RESPONSE TO RESTRICTON REQUIREMENT

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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Application Serial No. 10/634,887
Response to Office Action dated August 24, 2004



DOCKET NO: 241150US-2S CONT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

Hideki Takasu

SERIAL NO: 10/634,887

FILED: August 6, 2003

FOR: MICROWAVE PHASE SHIFTER
AND POWER AMPLIFIER

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GROUP: 2817

EXAMINER: BENNY T. LEE

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement dated August 24, 2004, Applicant provisionally elects with traverse Group I, Claims 1-3, 7-11 and 17, drawn to a phase shifter with an active region and an amplifier using such a phase shifter. Applicant makes this election based on the understanding that Applicant is not prejudiced against filing one or more divisional applications that cover the non-elected claims.

Applicants traverse the outstanding Restriction Requirement as the outstanding Restriction Requirement has not established that an undue burden would be required if the Restriction Requirement was not issued and if all the claims were examined together, especially in light of the Examiner's statement that the two inventions are classified under the same Class 333. More particularly, MPEP §803 states:

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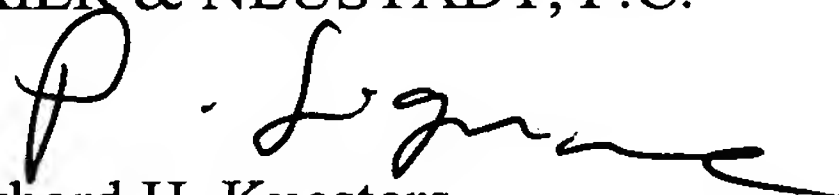
If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

In the present application no undue burden has been established if each of the claims were examined together. In contrast, the present restriction requirement subjects the Applicants to the added financial burden of prosecuting Claims 1-3, 7-11, 17 and Claims 4-6, 12-16, 18 in separate proceedings.

Accordingly, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-18 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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